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No. 80-5950

In the
Supreme Court of the United States
October Term, 1980

LAVERNE L. LOGAN,
Appellant,
v.
ZIMMERMAN BRUSH COMPANY,
Appellee.

On Appeal from the Supreme Court of Illinois

BRIEF FOR APPELLEE

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The Scheffer Press, Inc.—(312) 263-6850

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ARGUMENT

The answers of appellee Zimmerman Brush Company ("the Company") to the questioinnaire propounded by the Illinois Fair Emloyment Practices Commission ("FEPC") show that the Company has a defense on the merits to Laverne L. Logan's complaint (J.A. 9-11). The Company knew of Mr. Logan's handicap when it hired him, and made efforts to accommodate him by transferring him to another position when it became apparent that he could not handle the physical requirements of his first job (J.A. 10). Unfortunately, these efforts were unavailing, and Mr. Logan was terminated (J.A. 11). When asked to submit to the FEPC a statement of its position on Mr. Logan's charge, the Company stated that it had made successful efforts to hire and help handicapped employees, and had worked with several organizations in these efforts (J.A. 10).

Thereafter, on the advice of special labor counsel, the Company decided not to defend on the merits, but instead embarked upon a legal battle to dismiss Mr. Logan's complaint and prevent the FEPC from further exercising jurisdiction over the charge. That battle has resulted in the expenditure of attorneys' fees which are enormous in relation to the value of the case which Mr. Logan has against the Company, especially when considered in the light of a meritorious defense. Further, the Illinois Human Rights Act (Ill.Rev.Stat. ch. 68, §1-101 *et seq.* (1980 Supp.)), which became effective on July 1, 1980, makes the convening of a fact-finding conference discretionary rather than mandatory, thus drastically limiting the ef-

fect that the Illinois Supreme Court's ruling in this case can have.

In view of these considerations, the Company respectfully states that it has elected not to incur further legal expenses briefing issues which do not go to the merits of the controversy.

CONCLUSION

For the foregoing reasons, appellee Zimmerman Brush Company requests that the judgment of the Illinois Supreme Court be affirmed, or, in the alternative, that the appeal be dismissed.

Respectfully submitted,

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